

**APPLICANTS:**  
Clayton and Gail Boltz

**REQUEST:**  
A variance to reduce the rear yard setback  
from 30 feet to 22 feet to construct a  
sunroom

**HEARING DATE:** December 10, 2003

**BEFORE THE**  
**ZONING HEARING EXAMINER**  
**FOR HARFORD COUNTY**  
**BOARD OF APPEALS**  
**Case No. 5383**

### **ZONING HEARING EXAMINER'S DECISION**

**APPLICANTS:** Clayton and Gail Boltz

**LOCATION:** 1144 Harford Town Drive – Harford Town, Abingdon  
Tax Map: 62 / Grid: 2C / Parcel: 678 / Lot: 264  
First Election District

**ZONING:** R3 / Urban Residential District

**REQUEST:** Variance to Section 267-36B, Table VI, of the Harford County Code, to allow a sunroom within the required 30-foot rear yard setback in an R3/Conventional with Open Space District.

#### **TESTIMONY AND EVIDENCE OF RECORD:**

The Applicants are requesting a variance pursuant to Section 267-36B, Table VI, of the Harford County Code, to allow a sunroom within the required 30 foot rear yard setback. The sunroom will be located approximately 22 feet from the rear lot line.

The Applicants desire to construct an approximately 15 foot by 15 foot sunroom to the rear of their house. They believe that the sunroom would add value and would increase their living space.

The Applicants testified their lot was unusual in that a storm water management facility is located to the rear of their property, along with a Natural Resources District. The Applicants' lot is somewhat shallower than other lots in the neighborhood, which restricts their ability to use their rear yard. If the variance were not granted, the Applicants would not be able to build the sunroom as proposed.

The Applicants had consulted with their adjoining neighbors, and neither neighbor had any objections. A letter was submitted by the Applicants verifying lack of objection of the neighbors. The Applicants also submitted drawings indicating that the proposed sunroom would have a shingle covered pitched roof, with the walls primarily of glass.

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Gerald Anderson of Champion Windows and Siding, the contractor for the proposed sunroom, also testified. Mr. Anderson had reviewed other lots adjacent to that of the Applicants. The Applicants lot is approximately 6,926 square feet in size. Of the four other lots closest to the Applicants, the smallest was 7,927 feet; the largest was 10,400 feet. Mr. Anderson believes this evidence showed that the lot of the Applicants' is unusually small for the area.

The Harford County Department of Planning and Zoning, through its Staff Report and testimony of Anthony S. McClune, Deputy Director, found that the Applicants' property is unique due to its lack of depth compared to other lots in the area, and the location of the Natural Resource District to its rear.

No witnesses testified in opposition.

### **APPLICABLE LAW:**

The Applicants are requesting a variance to Section 276-36B, Table VI of the Harford County Code.

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

The property of the Applicants located at 1144 Harford Town Drive, Abingdon, is unique in that it is significantly smaller in size and shallower in depth, than other lots in its vicinity. It is further impacted by both the storm water management facility and Natural Resources District to its rear.

Because of its unusual features, the Applicants suffer an unreasonable hardship in that the rear yard setback impacts them more than others in their neighborhood. This uniqueness, which is not of the Applicants' own making, causes the Applicants unreasonable hardship in that they are restricted in their ability to improve their property.

There would be no adverse impact if the variance were granted.

### **CONCLUSION:**

The request for a variance to the 30 foot rear setback to locate a sunroom 22 feet from the rear lot line is accordingly approved, subject to the condition that the Applicants obtain all necessary permits and inspections.

Date: December 31, 2003

ROBERT F. KAHOE, JR.  
Zoning Hearing Examiner